

## Message Text

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ORIGIN EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00  
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 INRE-00  
/036 R

DRAFTED BY EB/OA/AVP:GGGRIFFITHS:JH  
APPROVED BY EB/OA:MHSTYLES  
EUR/NE:DGOODMAN  
CAB:JGREENE

-----022349 182140Z /40  
O 182122Z MAY 78  
FM SECSTATE WASHDC  
TO AMEMBASSY LONDON IMMEDIATE

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E.O. 11652: N/A

TAGS:EAIR, UK

SUBJECT: CIVAIR: SHORT NOTICE FILINGS

1. DEPARTMENT UNDERSTANDS BRITISH AIRWAYS IS INFORMING CAA THAT UK MUST APPROVE BA SHORT NOTICE APEX FILING BECAUSE CAB HAS APPROVED IT. OTHERWISE, BA ARGUMENT GOES, IT WILL BE VIOLATING US LAW IF CHARGES A TARIFF DIFFERENT FROM WHAT US CAB HAS APPROVED. IN PRIMARY SUPPORT OF THIS AGREEMENT, BA REPORTEDLY CITING SECTION 403 OF THE FEDERAL AVIATION ACT OF 1958.

2. WE WILL PROVIDE FULLER LEGAL ARGUMENTATION IN SEPTTEL TO FOLLOW. HOWEVER, INITIAL USG REACTIONS IS TO POINT OUT THAT SUCH AN ARGUMENT MAKES A MOCKERY OF BILATERAL REQUIREMENT THAT BOTH GOVERNMENTS MUST APPROVE TARIFFS BEFORE THEY CAN BECOME EFFECTIVE. IF SITUATION WERE REV:RSED, CAB  
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WOULD CLEARLY NOT ACCEPT ARGUMENT THAT CAA APPROVAL MEANS THAT CAB MUST APPROVE TARIFF.

3. IN POINT OF FACT, BRITISH AIRWAYS HAS NOT YET ACTUALLY FILED THE TARIFFS THAT WERE THE REASON FOR ITS SHORT NOTICE REQUEST. BRITISH AIRWAYS' SHORT NOTICE REQUEST WAS PRECISELY THAT, I.E. A REQUEST THAT IT BE PERMITTED TO FILE

TARIFFS FOR EFFECTIVENESS LESS THAN 75 DAYS FROM THE DATE OF ITS FILING. THE CAB HAS NOT YET APPROVED ACTUAL TARIFFS, IT HAS ONLY GRANTED PERMISSION TO FILE THEM.

4. AT THIS POINT, BRITISH AIRWAYS CAN AVOID ANY POTENTIAL LEGAL PROBLEMS BY SIMPLY NOT FILING THE ACTUAL TARIFFS, AND INSTEAD AWAIT CAA APPROVAL. IF AND WHEN THAT COMES, BA COULD THEN EXERCISE ITS SHORT NOTICE REQUEST APPROVAL AND FILE WITH THE CAB TO MATCH THE DATE OF EFFECTIVENESS APPROVED BY THE CAA. VANCE

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AVIATION AGREEMENTS, AIR FARES, AIR ROUTES  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 18 may 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978STATE127112  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** GGGRIFFITHS:JH  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780210-0297  
**Format:** TEL  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
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**Legacy Key:** link1978/newtext/t19780543/aaaabkhy.tel  
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**Litigation Codes:**  
**Litigation History:**  
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**Message ID:** 6883169b-c288-dd11-92da-001cc4696bcc  
**Office:** ORIGIN EB  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
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**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
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**Review Event:**  
**Review Exemptions:** n/a  
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**Review Release Date:** N/A  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 2647025  
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**Status:** NATIVE  
**Subject:** CIVAIR: SHORT NOTICE FILINGS  
**TAGS:** EAIR, UK, US, BRITISH AIRWAYS, TWA, PANAM  
**To:** LONDON  
**Type:** TE  
**vdkgvwkey:** odb://SAS/SAS.dbo.SAS\_Docs/6883169b-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
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